

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2668 OF 2005

Jalinder Devba Sul

..Petitioner.

Vs.

Bhimrao Gena Salunkhe & Ors.

..Respondents.

...

Mr. A.A. Garge for the Petitioner.

Mr. Rahul Kate for Respondent Nos.4 and 6.

Mr. C.R. Sonawane, Assistant Government Pleader for
Respondent No.9.

....

**CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**
17th April, 2006.

P.C. (Per **DR. D.Y. CHANDRACHUD, J.**) :

1. The Petitioner has sought to impugn an order of the Joint District Collector, Solapur dated 30th March, 2005 by which the Petitioner came to be removed from the post of Sarpanch. Respondents 1 to 7 filed an application against the Petitioner under the Bombay Village Panchayats Act, 1958. The application was filed on 1st September, 2004 and one of the grievances therein was that the Petitioner as a Sarpanch had not held any meeting of the Gramsabha in the previous year. The Petitioner filed a reply on 4th October, 2004 and stated therein that six meetings of the Gramsabha had been convened in the year 2003-04 on 28th May, 2003, 15th August, 2003, 2nd October, 2003, 29th November, 2003,

26th January, 2004 and 15th March, 2004. The Collector who held the enquiry into the complaint accepted the statement that six meetings of the Gramsabha had in fact been held between May 2003 and March 2004. However, the Collector held that the Petitioner had taken charge of the post of Sarpanch on 21st September, 2000 and that he should have held six meetings of the Gramsabha during the years 2000-01, 2001-02 and 2002-03. However, the Collector noted that the Petitioner has in his written submissions admitted that no single meeting had been held for the years 2000 to 2003. On these grounds, the Petitioner came to be removed. The attention of the Court has been drawn on behalf of the Respondents to the fact that thereafter the term of the Grampanchayat came to an end in the ordinary course and elections were held on 23rd October, 2005 of which results were declared on 25th October, 2005. The order of removal has not carried any further disqualification. However, on behalf of the Petitioner, it has been submitted that there is a certain degree of stigma which attaches to the order of removal. We find merit in the contention of the Petitioner that the only grievance of the complainants before the Collector in regard to the failure to hold meetings related to the period 2003-04. For that period even the

the Collector found that meetings had been held. There was no question of the Petitioner dealing with the holding of meeting for the prior period since that was not the subject matter of the enquiry. That apart, even perusing the reply dated 4th October, 2004 filed by the Petitioner, we do not find any admission to the effect that no meetings were held during the period 2000-03. We therefore do not find the order of the Collector to be sustainable. Since there were rather serious allegations that were contained in the complaint against the Petitioner, we would have been inclined to remand the proceedings for fresh decision to the Collector. However, since the term of the Grampanchayat came to an end and fresh elections have been duly held, we do not find any useful purpose would be served by an order of remand. In the circumstances, we dispose of the Petition in the light of the aforesaid observations. In the circumstances of the case, there shall be no order as to costs.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)